

REMARKS

Claims 1-29 were examined. Claims 11 and 24 have been canceled, while claims 1, 4, 6, 9, 10, 12, 14, 17, 22, 23, 25, 26 and 29 have been amended. Accordingly, claims 1-10, 12-23 and 25-29 are presented for reconsideration.

Amendments to the Specification

The amendment to page 5 merely corrects an apparent error in describing the direction in which the vibration exciter applies force. It is clear that the affected paragraph describes the direction of force application in relation to the plane of the *lever or flange*, which is attached to the panel. Reference to the plane “of the panel” in the first sentence was incorrect in light of the second sentence, which describes the resulting motion of the panel, such as in the example illustrated in Fig. 11 and described in the paragraph bridging pages 15 and 16.

The original abstract has been reproduced on a separate sheet, as required. Drawing reference numbers have been omitted.

Amendments to the Claims

Claims 11 and 24 have been canceled, and their limitations have been incorporated into independent claims 1 and 14, respectively. The other claim amendments improve clarity and consistency.

Rejection Under 35 U.S.C. §112, 2nd ¶

The amendments to claims 1 and 14 render moot the indefiniteness rejections of claims 10, 11, 22 and 24. The amendment to claim 29 provides the required antecedent basis, thus overcoming the indefiniteness rejection of that claim.

Allowable Subject Matter

The indication of allowable subject matter in claims 11 and 24 is noted, with appreciation. According to the Examiner, the reason for the indication of allowable subject matter is that each of these claims “recites the unique limitation of a return lip on the end of the lever or flange remote from the panel.” Final Office Action, p. 11. This limitation is now present in independent claims 1 and 14. It is also present in independent claim 29 in slightly

different form, as follows: "said lever having a return *member* extending generally parallel to the plane of the panel at its end remote from the panel" (emphasis added).¹ Thus, claim 29 – which has not been expressly rejected over prior art – is patentable for the same reason. Because claims 1, 14 and 29 are the only independent claims, all of the pending claims now recite allowable subject matter. Accordingly, the prior art rejections under 35 U.S.C. §103(a) are moot.

PRIORITY DOCUMENT(S)

The Office Action Summary, ¶12(c), states that no certified copies of the priority documents have been received by the Office. To the contrary, however, the first Office Action in the application, dated September 5, 2008, states that "all" such certified copies have been received by the Office (Office Action Summary, ¶12(a)). It is requested that the Examiner specifically clarify the certified copy status in the next Office Action so that Applicants will be given an opportunity to take timely action, if necessary, to comply with the certified copy requirement of 37 C.F.R. §1.55(a)(2).

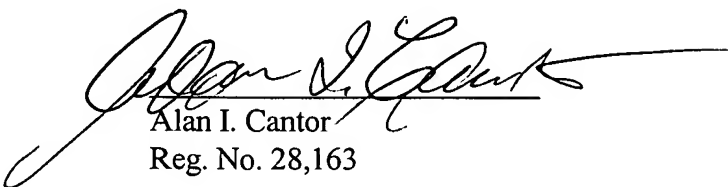
CONCLUSION

It is respectfully submitted that all of the pending claims are now in condition for allowance. Prompt and favorable action is earnestly solicited.

Respectfully submitted,

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¹ The phrase "return member" appears in the final paragraph of the specification, on page 18.